9-30-05





Docket No.: 20274/1200990-US5

(PA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Confirmation No.: 5198

John C. Reed

Application No.: 09/375,514

Art Unit: 1635

Filed: August 17, 1999

Examiner: T. A. Vivlemore

For: ANTI-SENSE OLIGONUCLEOTIDES FOR

INHIBITING THE GROWTH OF LYMPHOMA

AND LEUKEMIA CELLS

COMMUNICATION CORRECTING ENTITY STATUS PURSUANT TO 37 C.F.R §1.28(c)

MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

By this Communication, applicants notify the Patent and Trademark Office that the Small Entity Status in the above-identified patent application has been established in error. It is respectfully submitted that the erroneous determination of the small entity status and prior erroneous payment of small entity fees was made in good faith and without deceptive intent on part of the applicants. In accordance with 37 C.F.R. §1.28(c), an itemized calculation of the deficiency payment owed to the Patent and Trademark Office is provided below and the requisite deficiency fee of \$250.00 is submitted concurrently herewith. The Commissioner is authorized to charge any additional fees associated with this Communication to our Deposit Account No. 04-0100.

10/03/2005 SLUANG1 00000010 09375514

01 FC:1251 02 FC:1251 03 FC:1251 120.00 00 120.00 00 120.00 00 130.00 00

Application No.: 09/375,514 2 Docket No.: 20274/1200990-US5

CALCULATION OF THE DEFICIENCY OWED:

Type of Fee Erroneously Paid as Small Entity	Fee Code	Small Entity Fee Actually Paid	Date Paid	Current Large Entity Fee	Deficiency Owed
Extension for Response within first month	1251/2251	\$60	08/26/05	\$120	\$60
Statutory Disclaimer	18/142814	\$65	08/26/05	\$130	\$65
Extension for Response within first month	1251/2251	\$60	02/07/05	\$120	\$60
Extension for Response within first month	1251/2251	\$55	06/14/04	\$120	\$65
Total deficiency					\$250

Total Deficiency Owed: \$250.00

Dated: September 27, 2005

Respectfully submitted,

S. Peter Ludwig

Registration No.: 25,351 DARBY & DARBY P.C.

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New York, New York 10150-5257

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Attorneys/Agents For Applicant

Attorney Docket No.: 20274/1200990-US5

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Note:	Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.
	Processing Fee Transmittal (1 page) Check No. <u>9337</u> in the amount of \$250 Communication Correcting Entity Status Pursuant to 37 CFR 1.28 (c) (2 pages) Return Receipt Postcard



PTO/SB/17i (04-05)

Approved for use through 7/31/2007. OMB 0651-0031

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PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL

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Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Application Number	09/375,514-Conf. #5198	
Filing Date	August 17, 1999	
First Named Inventor	John C. Reed	
Art Unit	1635	
Examiner Name	T. A. Vivlemore	
Attorney Docket Number	20274/1200990-US5	

Payment of \$ 250.00 is enclosed. This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p. Payment of Fees (small entity amounts are NOT available for the processing fees) X The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-0100 processing fee under 37 CFR 1.17(i) x any deficiency of fees and credit of any overpayments Enclose a duplicative copy of this form for fee processing. Check in the amount of \$ is enclosed.	Payment of \$ 250.00 is enclosed. This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p. Payment of Fees (small entity amounts are NOT available for the processing fees) The Commissioner is hereby authorized to charge the following fees to Deposit Account No.			
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Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all, Except for §1.221 papers (Fee Code 1803) For papers filed under: § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status. § 1.48 – for correcting inventorship, except in provisional applications. § 1.48 – for correcting inventorship, except in provisional applications. § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English. § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b). § 1.55 – for entry of late priority papers. § 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods § 1.99(e) – for processing a belated submission under § 1.99. § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)). § 1.103(c) – for requesting ilmited suspension of action, request for continued examination (§ 1.114). § 1.103(d) – for requesting deferred examination of an application. § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent applicating voluntary publication or republication. § 1.221 – for requesting voluntary publication or republication of an application. Fee Code 1803 § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest. § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage. § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.	Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all, Except for §1.221 papers (Fee Code 1803) For papers filed under: § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status. § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications. § 1.48 – for correcting inventorship, except in provisional applications. § 1.53(b)(3) – to convert a provisional application filed with a specification in a language other than English. § 1.53(b)(3) – to convert a provisional application filed with a specification in a language other than English. § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b). § 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods § 1.99(e) – for processing a belated submission under § 1.99. § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)). § 1.103(c) – for requesting ilmited suspension of action, request for continued examination (§ 1.114). § 1.103(c) – for requesting deferred examination of an application. § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent applicating deferred examination of an application. § 1.221 – for requesting voluntary publication or republication or an application. Fee Code 1803 § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest. § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage. § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.	processing fee under 37 CFR 1.1	17(i) X any deficiency of fees and credit of any overpayments	
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S. Peter Ludwig 25,351	S. Peter Ludwig 25,351	Situ	September 27, 2005	
		Signature Signature	Date	
Typed or printed name Registration No., if applicable	Typed or printed name Registration No., if applicable	S. Peter Ludwig	25,351	
		Typed or printed name	Registration No., if applicable	

Express Mail Label No.	Dated:	